

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

YUKIO KUSADA, )  
Plaintiff )  
 )  
v. ) Civil Action No.: 05-30043-MAP  
BERKSHIRE EAST SKI RESORT, )  
UNION TERMINAL PIERS, INC., )  
and )  
NORTHFIELD MOUNT HERMON )  
SCHOOL, )  
Defendant and )  
Third Party Plaintiff )  
 )  
v. )  
 )  
TAKERU KUSADA )  
Third Party Defendant )

**JOINT MOTION TO MODIFY SCHEDULING ORDER**

Now come the parties in the above captioned action and request this Honorable Court to modify the Scheduling Order previously issued in this case.

This case stems from a ski accident which occurred on February 20, 2004 at Berkshire East Ski Resort as a result of which the plaintiff, Yukio Kusada, alleges that he suffered severe injuries including a traumatic brain injury and compartment syndrome of his leg. Plaintiff alleges that he is left with profound mental deficits that will permanently affect his earning capacity. Plaintiff alleges that his medical bills thus far total approximately \$261,492.00 and that he is expecting additional bills for treatment in China and Japan.

The parties have engaged in extensive discovery which has included 16 depositions. Most of the depositions were taken at Northfield Mount Hermon School and/or at Berkshire East Ski Resort requiring significant vehicle travel by all counsel on numerous occasions.

Plaintiff has completed his depositions and will now seek to amend the complaint. It is understood that defendants may wish to engage in further discovery once the complaint is amended. This is agreeable to all counsel.

To permit the above discovery to be completed counsel request that the Scheduling Order be modified as follows:

1. Any motions to amend the pleadings shall be filed by March 1, 2006.
2. All written discovery of any new party shall be served by April 15, 2006.
3. Non-expert depositions shall be completed by June 1, 2006.
4. Plaintiff shall designate and disclose information regarding his trial experts as required by Fed. R. Civ. P. 26(a)(2) by April 1, 2006.
5. Defendants shall designate and disclose information regarding trial experts as required by Fed. R. Civ. P. 26(a)(2) by July 1, 2006.
7. All expert depositions shall be completed by August 30, 2006.
8. Counsel shall appear for a case management conference September 17, 2006.

**Conclusion**

The parties in the above referenced action have been diligent in pursuing discovery and require a modification of the Scheduling Order for the proper administration of justice in this case.

WHEREFORE, the parties request this Honorable Court to modify the Scheduling Order as herein set forth.

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February 7, 2006